

UNITED STATES DISTRICT COURT

for the

Southern District of New York

National Public Finance Guarantee Corporation,

*Plaintiff*

v.

U.S. Bank National Association\*

*Defendant, Third-party plaintiff*

v.

American Opportunity for Housing - Colinas, LLC\*

*Third-party defendant*

Civil Action No. 7:15-CV-05642 KMK

\*See Rider for Complete Caption

SUMMONS ON A THIRD-PARTY COMPLAINT

To: *(Third-party defendant's name and address)*

American Opportunity for Housing - Colinas, LLC, 7334 Blanco Road, Suite 200, San Antonio, TX 78216

Agape Colinas, Inc., 7334 Blanco Road, Suite 200, San Antonio, TX 78216

A lawsuit has been filed against defendant U.S. Bank National Association, who as third-party plaintiff is making this claim against you to pay part or all of what the defendant may owe to the plaintiff National Public Finance Guarantee Corporation.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(3) — you must serve on the plaintiff and on the defendant an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the defendant or defendant's attorney, whose name and address are:

Zeichner Ellman & Krause LLP, 1211 Avenue of the Americas, 40th Floor, New York, New York 10036

It must also be served on the plaintiff or plaintiff's attorney, whose name and address are:

Cuddy & Feder LLP, 445 Hamilton Avenue, 14th Floor, White Plains, New York 10601

If you fail to respond, judgment by default will be entered against you for the relief demanded in the third-party complaint. You also must file the answer or motion with the court and serve it on any other parties.

A copy of the plaintiff's complaint is also attached. You may — but are not required to — respond to it.

Date: September 17, 2015

CLERK OF COURT

/S/ Symia James

*Signature of Clerk or Deputy Clerk*



Civil Action No. 7:15-CV-05642 KMK

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Rider**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

National Public Finance Guarantee  
Corporation,

Plaintiff,

- against -

U.S. Bank Trust National Association,

Defendant.

Civil Action No. 7:15-CV-05642 KMK

U.S. Bank National Association sued herein as  
U.S. Bank Trust National Association,

Plaintiff and  
Third-Party Plaintiff,

- against -

American Opportunity for Housing –  
Colinas, LLC and Agape Colinas, Inc.,

Third-Party Defendants.